

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: )  
Grant E. DUBOIS et al. ) Group Art Unit: 1761  
Application No.: 09/838,809 ) Examiner: Carolyn A. PADEN  
Filed: April 20, 2001 ) Confirmation No.: 3526  
For: NON CALORIC FROZEN )  
CARBONATED BEVERAGE )

MAIL STOP APPEAL BRIEF—PATENTS

## VIA EFS-Web

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

## REQUEST FOR ORAL HEARING

Under the provisions of 37 C.F.R. § 41.47, Appellant requests an oral hearing before the Board of Patent Appeals and Interferences for the pending appeal in the above-referenced application. Appellant considers an oral hearing necessary or desirable for a proper presentation of the appeal. This request is timely since it is made within two months from the date of the Examiner's Answer. See 37 C.F.R. § 41.47(b). Payment of the required fee of \$1,080.00 has been made concurrently with the filing of this Request through the Office's EFS-Web system. Please grant any extensions of time required to enter this Request and charge any required and/or additional fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 9, 2009

By: Ally Simpson

Alexis N. Simpson  
Reg. No. 63,686  
for Lori-Ann Johnson  
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